

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LUGO, *et al.*,

Plaintiffs,

v.

FARMERS PRIDE, INC.

Defendant.

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CIVIL ACTION NO. 07-CV-00749

Honorable Michael M. Baylson

**JOINT MOTION FOR PRELIMINARY APPROVAL AND, ULTIMATELY, FOR
FINAL APPROVAL OF CLASS AND COLLECTIVE ACTION SETTLEMENT**

Plaintiffs and Defendant Farmers Pride, Inc. (“Farmers Pride”), jointly respectfully request that this Court: (1) preliminarily approve their proposed Settlement Agreement and authorize the parties to mail the proposed Notice of Proposed Class and Collective Action Settlement and Claim and Opt-In Consent Form to Settlement Class Members; (2) grant Plaintiffs leave to amend their operative Complaint to assert supplemental claims based on Pennsylvania state law; (3) certify a Pennsylvania state law settlement class and recertify a federal FLSA collective action class for purposes of settlement only; (4) schedule a hearing to consider final approval of the settlement (to be set approximately ninety days after the Court enters the proposed Preliminary Approval Order).; and (5) ultimately, finally approve of the settlement as fair, reasonable, and adequate. The parties jointly set forth their reasons in support of this motion in a memorandum filed herewith. A proposed Preliminary Approval Order is also being filed concurrently with this motion.

Respectfully submitted this 14th day of November, 2011.

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